

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

HOWARD ACKERMAN, et al.,

Plaintiffs,

vs.

STATE OF NEVADA DEPT. OF  
CORRECTIONS, et al.,

Defendants.

Case No. 2:11-cv-00883-GMN-PAL

**ORDER**

(Mtn to Withdraw - Dkt. #288)

This matter is before the court on attorney Michael K. Naethe's Motion to Withdraw and Remove from CM/ECF Service List and Court Docket (Dkt. #288) filed March 23, 2014. The court has considered the Motion.

**BACKGROUND**

The Complaint (Dkt. #1) in this case was filed June 1, 2011. An Emergency Motion for a Temporary Restraining Order (Dkt. #4) and a Motion to Certify a Class (Dkt. #5) were also filed June 1, 2011. The district judge set the emergency motion for a temporary restraining order for hearing June 10, 2011. Minute Order in Chambers (Dkt. #7), entered June 2, 2011. The complaint and motion for a temporary protective order seek injunctive relief to prohibit the Nevada Department of Prisons from implementing a policy change that kosher diets are no longer to be provided to Jewish prisoners and prisoners of other religious faiths whose religion require them to keep kosher. Complaint (Dkt. #1) ¶ 1. The named Plaintiff, Howard Ackerman, is an Orthodox Jewish prisoner who is required to keep kosher as an essential tenet of his religion. *Id.* ¶ 2. He alleges the Department of Corrections actions violate his rights and the rights of putative class members under the Religious Land Use and Institutionalized Person Act ("RLUIPA"), 42 U.S.C. § 2000cc-1(a). *Id.*

///

This case has a lengthy and convoluted procedural history, which is thoroughly outlined in the district judge's Order (Dkt. #234), entered May 3, 2013. For purposes of this order, the court notes the following relevant procedural history. On May 2, 2013, the court approved a Stipulation (Dkt. #107) certifying a class action in this case. *See* Order on Stipulation (Dkt. #114). On July 26, 2012, the parties filed a Joint Motion (Dkt. #137) requesting, among other things, that the court approve a notice of settlement and schedule a fairness hearing on a proposed settlement agreement. *See* Joint Motion (Dkt. #137); Motion to Amend (Dkt. #142). The court held a fairness hearing on the proposed settlement on October 11, 2012. After the hearing, the district judge entered an Order (Dkt. #234), which rejected the parties' proposed class action settlement agreement, dissolved the injunction issued by the court, and decertified the class, finding it was no longer justified. Plaintiff filed a Motion to Reconsider (Dkt. #235), which is currently pending before the district judge.

#### **DISCUSSION**

Michael K. Naethe seeks to withdraw as counsel of record for Plaintiff Howard Ackerman and to be removed from the court's electronic service list in this case. The Motion represents that Mr. Naethe is no longer associated with the Law Office of Jacob Hafter & Associates, which continues to represent Plaintiff. Local Rule IA 10-6 provides that "no withdrawal . . . shall be approved if delay of discovery, the trial or any hearing in the case would result." Plaintiff filed his Complaint (Dkt. #1) on June 1, 2011. The district judge directed the parties to submit any requests to amend the Scheduling Order (Dkt. #99) by May 31, 2013. *See* Order (Dkt. #234). No party submitted any request. The deadlines in the court's Scheduling Order have all expired.

Having reviewed and considered the matter,

**IT IS ORDERED:** The Motion to Withdraw (Dkt. #288) is GRANTED. The Clerk of Court is directed to remove attorney Michael K. Naethe from the electronic service list and the docket in this case. Plaintiff shall continue to be represented by his counsel of record, Jacob Hafter.

Dated this 3rd day of April, 2014.

  
 PEGGY A. ZEEN  
 UNITED STATES MAGISTRATE JUDGE